

COUNCIL COMING ATTRACTIONS



Week of April 3, 2017

Public Information Act Responses, Business Services Center, Fuel-Energy Tax Exemption, Recordation Tax, and Semi-Annual Report of the Montgomery County Planning Board



Council Coming Attractions is a summary of some of the issues before the Council. All Council staff reports and additional information on each item scheduled for Council or Committee review can be viewed at: <http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html>.

Also the Council meeting schedule may change from time to time. The current Council and Committee agendas can also be viewed at:

<http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html>.

- 🗳️ On April 4 the Council session will begin at 9:30 a.m. with two proclamation presentations:
 - Councilmember Katz will recognize Holocaust Remembrance Day.
 - Councilmembers Rice and Katz will recognize April as Autism Awareness Month.

COUNCIL

- 🗳️ **Bill 6-17, Technical Corrections**
The Council is scheduled to introduce Bill 6-17. The Council is the lead sponsor. A public hearing is scheduled for April 25 at 1:30 p.m. The staff report can be viewed at: http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=5018&meta_id=133952.
Bill 6-17 would correct technical, typographical, grammatical, and codification errors in, and makes stylistic, clarifying, and conforming amendments to, several provisions in County law. This bill represents an accumulation of technical and stylistic errors that individually were not

significant enough to warrant separate corrective legislation, but which now cumulatively justify a technical corrections bill.



Bill 7-17, Administration – Open Data – Public Information Act Responses – Amendments

The Council is scheduled to introduce Bill 7-17. Council Vice President Riemer is the lead sponsor. Councilmember Floreen is a cosponsor. A public hearing is scheduled for April 25 at 1:30 p.m. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=5018&meta_id=133954 .

Bill 7-17 would prohibit the County from making available on a web portal any document that is or contains an electronic mail distribution list. During the consideration of this bill, the Council may also consider other amendments to the Open Data law to protect the privacy of residents.



Bill 8-17, Executive Branch – Business Services Center – Established

The Council is scheduled to introduce Bill 8-17. Council President Berliner and Council Vice President Riemer are the lead sponsors. Councilmembers Elrich, Navarro, and Katz are cosponsors. A public hearing is scheduled for April 25 at 1:30 p.m. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=5018&meta_id=133956 .

Bill 8-17 would establish a Business Services Center in the Office of the County Executive. Staff in the Business Services Center would assist, inform, and advocate on behalf of businesses, including helping businesses interact with County Government. Staff also would provide dedicated constituent service for County businesses in the Office of the Executive. Existing small business navigator staff would become part of the Business Services Center.

- In addition to the existing duties of the small business navigator, the Business Services Center would provide constituent services for businesses operating in the County or planning to operate in the County. These services include:
 - ✓ communicating about new and revised County laws and regulations affecting County businesses;
 - ✓ conducting public outreach;
 - ✓ providing technical publications on County policies;
 - ✓ operating workshops and conferences; and
 - ✓ convening targeted business development events.
- The Business Services Center would serve as a point of contact for County businesses seeking to:
 - ✓ obtain a County contract; or
 - ✓ comply with County requirements and regulations.
- Staff from the Business Services Center would advocate for County businesses with other State, County, and local government agencies.



Bill 9-17, Fuel-Energy Tax – Exemptions – Amendments

The Council is scheduled to introduce Bill 9-17. Councilmember Leventhal is the lead sponsor. The public hearing is scheduled for April 25 at 1:30 p.m. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=5018&meta_id=133958 .

Bill 9-17 would exempt the energy generated by a renewable source in the County by a community solar energy generating system located in the same electric service territory as the subscriber using the energy and subject to a virtual net energy metering agreement (as defined in State law) with a public utility.

- The County fuel energy tax is imposed on every person transmitting, distributing, manufacturing, producing, or supplying electricity in the County. The tax is applied to the net consumption used to calculate the bill.
- Current law exempts energy produced from a renewable source in the County and either used on the site where it is generated or subject to a net energy metering agreement (as defined in State law) with a public utility. However, this exemption only applies to the

energy produced from a renewable source, such as solar panels, located on the customer's property or contiguous to the customer's property because of the definition in State law for a "net energy metering agreement."

- Bill 9-17 would expand the current exemption to include renewable energy produced by a community solar facility and sold to a County customer under a virtual net energy metering agreement. The Bill would permit a County resident who is unable to install solar panels on the customer's property, such as a renter or an owner of a cooperative or condominium, to purchase solar energy from a community solar facility without paying the County fuel energy tax.



Bill 10-17, Recordation Tax – Rates – Amendments

The Council is scheduled to introduce Bill 10-17. Councilmember Elrich is the lead sponsor. A public hearing is tentatively scheduled for April 25 at 1:30 p.m. The staff report will be available on April 4. Bill 10-17 would modify the recordation tax rates levied under State law for certain transactions. The "Recordation Tax Premium" went into effect in 2008. Bill 15-16, enacted on May 18, 2016, increased the Premium rate from \$1.55 to \$2.30/\$500. Unlike the two elements of the base rate paid on all transactions, the Premium applies only to the cost of a property or a refinancing that is more than \$500,000. Half of the proceeds from the Premium are allocated to County Government capital projects and the other half is for rental assistance for low and moderate income households.

- Bill 10-17 would reduce the Premium for transactions that are more than \$500,000 but less than \$1,000,000 from \$2.30 to \$1.55/\$500. The Bill would increase the Premium for transactions that are more than \$1,000,000 but less than \$2,000,000 from \$2.30 to \$2.55/\$500. The Bill would also increase the Premium for transactions that are more than \$2,000,000 from \$2.30 to \$3.55/\$500.
- Councilmember Elrich believes that this approach is a more progressive way to impose the recordation tax and that the rate changes would be revenue neutral.



Expedited Bill 2-17, Employees' Retirement System and Retirement Savings Plan – Amendments

The Council is scheduled to vote on Expedited Bill 2-17. The GO Committee recommends enactment. Council President Berliner is the lead sponsor, at the request of the Executive. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=5018&meta_id=133960 .

Bill 2-17 would amend the Employees' Retirement System (ERS) and the Retirement Savings Plan (RSP) to remain tax qualified under the Internal Revenue Code. Bill 2-17 does not propose substantive changes, and none of these amendments would change any employee's existing benefits or rights under either plan.

- The County submitted ERS and the RSP to the Internal Revenue Service to receive a determination letter that each County retirement plan would remain tax qualified. The IRS has requested several technical changes that require amendments to specific provisions of the ERS and the RSP related to the Internal Revenue Code. The IRS requested that the County amend the plans to:
 - ✓ specify that a non-spousal beneficiary may receive a rollover distribution (if otherwise permitted) (ERS and RSP);
 - ✓ include Internal Revenue Code provisions relating to certain rights provided to employees on military leave (ERS and RSP);
 - ✓ included a definition of "eligible rollover distribution" (ERS);
 - ✓ provide a definition of "limitation year" for purposes of complying with Internal Revenue Code Section 415 (RSP); and
 - ✓ specify that defined contribution plans maintained by the County will be aggregated for purposes of complying with Internal Revenue Code Section 415 (RSP).



Semi-Annual Report from the Montgomery County Planning Board, Spring 2017

This year the Maryland-National Capital Park and Planning Commission (M-NCPPC) celebrates its 90th anniversary. Planning Board Chair Casey Anderson and Director of Parks Michael Riley will provide with Council with an update on M-NCPPC's work plan and accomplishments. The spring 2017 Semi-annual Report can be viewed at:

http://montgomeryplanning.org/wp-content/uploads/2017/03/Spring2017_Semiannual_Final_web.pdf .

The Council staff report can be found at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=5018&meta_id=133962 .

- M-NCPPC remains focused on connecting policies, plans, and projects to the County's goals for multi-modal transportation, affordable housing, and economic and environmental sustainability.
- The report focuses on four areas: new suburbanism (pages 6-11); engaging communities (pages 12-17); strengthening economic competitiveness (pages 18-25); and other projects and accomplishments (pages 25-31).
- The proposed FY18 Master Plan and Major Project Schedule is included on page 30.

COMMITTEE



Body Camera Program

On April 3 at 9:30 a.m., the Public Safety (PS) Committee will get an update from the Montgomery County Police Department (MCPD) on the County's body camera program. MCPD representatives who are expected to participate in the meeting include: Chief J. Thomas Manger, Assistant Chief Luther Reynolds, Captain Michael Wahl, and Neil Shorb. Haley Roberts from the Office of the County Attorney will also be available to answer questions. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=5314&meta_id=133896 .

The Police Department's policy is to utilize the Body-Worn Camera System for the purposes of documenting evidence and accurately recording, through video and audio, interactions that occur between officers and members of the public. All equipment and recordings are the property of the Police Department.

- To date, MCPD has made 323,653 recordings with deployed body-worn cameras. This translates to 63 terabytes of data, and data accumulation is currently increasing at a rate of four terabytes per month. MCPD averages 1,350 recordings per day.
- The Executive's proposed FY18 operating budget includes funding (\$81,960) for one IT Specialist, which will function as a quality assurance position. This employee will help maintain program compliance and accountability.



Inside (Not Outside) Effort to End Chronic Homelessness

On April 3 at 10:30 a.m. the Health and Human Services (HHS) Committee and the Planning, Housing and Economic Development (PHED) Committee will meet jointly for a briefing on the County's efforts to end chronic homelessness. Department of Health and Human Services representatives who are expected to participate in the meeting include: Uma Ahluwalia, Director; Amanda Harris, Chief, Special Needs Housing; and Nili Soni, Continuum of Care Coordinator, Special Needs Housing. Chapman Todd from the Montgomery County Coalition for the Homeless is also expected to attend the meeting. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=5317&meta_id=133872 .

The Committee briefing will provide data and strategies to reach "functional zero" for chronically homeless individuals.

- The U.S. Department of Housing and Urban Development standards would mean that the County should have no more than three unhoused chronically homeless individuals or families at any point in time.
- While not a budget meeting, the joint Committee meeting will include background information to review the Housing Initiative Fund and Housing First.



Resolution to amend Resolution 18-506, Section G, FY17 Designation of Entities for Non-Competitive Award Status: Imagination Stage, Inc.

On April 3 at 11 a.m. the HHS Committee will meet to review a resolution to amend Resolution 18-506 for Imagination Stage, Inc. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=5317&meta_id=133898 .

This amendment would authorize the Department of General Services to enter into a contract with Imagination Stage, Inc. for up to \$103,070 to replace chillers in the organization's HVAC system. This funding would come from the unspent appropriation in a FY14 Capital Improvement Grant for the Arts and Humanities award previously designated for Imagination Stage. This funding would cover half of the project cost and would come from Current Revenue: General from the Cost Sharing Project (P720601).